

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF ALABAMA**

IN RE:

SEKEYA FLEMING
SSAN: XXX-XX-6606

Case No. 16-30941-DHW
Chapter 13

Debtor

**TRUSTEE'S OBJECTION TO CONFIRMATION AND
MOTION TO DISMISS CASE WITH PREJUDICE AND A BAR TO REILING**

COMES NOW, the Trustee, by and through the undersigned counsel, and pursuant to 11 U.S.C. §1325 objects to confirmation of debtor's plan as filed and motion to dismiss with prejudice and a bar to refiling. As grounds for said objection, the Trustee states as follows:

1. The debtor filed a petition seeking relief under Chapter 13 of the United States Bankruptcy Code on April 13, 2016.
2. The debtor's §341 Meeting of Creditors was held May 26, 2016, and confirmation is set for June 27, 2016.
3. The debtor testified, when specifically asked at the 341, that there was no pending lawsuit or settlement with regard to any potential causes of action. Trustee has been advised that in fact debtor is represented by attorney Joe Reed and there is a pending settlement. The proper motions with regard to employment, settlement or fees have not been filed with the court.
4. The debtor's cause of action is not listed on Schedule B or the Statement of Financial Affairs. The plan fails to commit this cause of action for the benefit of debtor's unsecured creditors.
5. Trustee objects to confirmation based upon bad faith in that debtor failed to disclose a cause of action in her schedules or plan and seeks to dismiss debtor's case with prejudice and a bar to refiling after lawsuit proceeds have been paid over to the Trustee to be paid for the benefit of debtor's unsecured creditors.

WHEREFORE, the above premises considered, Trustee objects to confirmation of the debtor's plan and requests that confirmation be denied and the case dismissed with prejudice and a bar to refiling with said dismissal being after all proper motions have been filed by debtor's lawsuit attorney and the proceeds having been paid over to the Trustee and paid for the benefit of debtor's unsecured creditors.

Respectfully submitted this June 17, 2016.

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Curtis C. Reding
Chapter 13 Trustee

By: /s/ Sabrina L. McKinney

Sabrina L. McKinney
Senior Staff Attorney

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a copy of the foregoing Trustee's Objection to Confirmation and Motion to Dismiss with Prejudice and a Bar to Refiling has been served on the parties listed below either by electronic mail or by placing same in the U.S. Mail, postage prepaid and properly addressed this June 17, 2016.

Copy to: SEKEYA FLEMING (*U.S. Mail*)
JOSHUA C MILAM (*Electronic Mail*)
JOE REED (*U.S. Mail*)

/s/ Sabrina L. McKinney

Sabrina L. McKinney